

Ex. 5

**Letter of Jeremy R. Kasha
to David Gelfand,
dated July 12, 2019
[second of two letters of same date]**



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
28 LIBERTY STREET
NEW YORK, NEW YORK 10005

LETITIA JAMES
ATTORNEY GENERAL

JEREMY R. KASHA
ASSISTANT ATTORNEY GENERAL
Tel: 212-416-8277
Fax: 212-416-6015
Jeremy.Kasha@ag.ny.gov

July 12, 2019

By Electronic Mail

David I. Gelfand
Cleary Gottlieb Steen & Hamilton LLP
2112 Pennsylvania Avenue, NW
Washington, DC 20037

Re: Follow-up Meet-And-Confer Concerning New and Refresh Custodians & Narrowing of Specific Local Areas

Dear David,

I write on behalf of Plaintiff States to follow up on our ongoing meet-and-confer discussions. This letter addresses which custodians should be included in the "refresh," and also lists several new custodians whose files will need to be searched. We understand, of course, the parties are not yet fully in agreement as to the scope of the refresh. We therefore appreciate that you are likely to take these requests under advisement while we continue to work out the scope of the refresh, which is not addressed in this letter. We are preparing separate letters concerning the refresh scope, in a good faith effort to accommodate Defendants' requests that we be more specific and narrow. Below find separate lists for the general refresh and for the issue of specific local areas, although please also note that some custodians appear on both lists because of the nature of their involvement.

New & Refresh Custodians in General

We propose the following custodians, including both those whose files have already been searched but need to be refreshed, and new ones:

Name	Party	Refresh/New
Paul Bongaarts	T-Mobile	Refresh
John Legere *	T-Mobile	Refresh
Michael Sievert *	T-Mobile	Refresh
Doug Chartier	T-Mobile	Refresh
William Christensen	T-Mobile	Refresh
Ankur Kapoor	T-Mobile	Refresh
Daniel Thygesen	T-Mobile	Refresh
Mark McDiarmid	T-Mobile	Refresh
Peter Ewens	T-Mobile	Refresh
David Mayo	T-Mobile	Refresh
Neville Ray *	T-Mobile	Refresh
John Freier	T-Mobile	New
Julie Goldwaith *	T-Mobile	New
Marie Grace Jacinto	T-Mobile	New
Matthew Staneff *	T-Mobile	Refresh
Michael Katz	T-Mobile	Refresh
James Kirby	T-Mobile	Refresh
Jonathan Blood	T-Mobile	New
John Saw	Sprint	Refresh
Dow Draper	Sprint	Refresh
Roger Sole	Sprint	Refresh
Angela Rittgers *	Sprint	Refresh
Tracy Nolan	Sprint	Refresh
Yuriko Ishihara	Sprint	Refresh
Scott Kalinoski	Sprint	Refresh
Michael Combes *	Sprint	Refresh
Steve Gaffney *	Sprint	Refresh
Andrew Davies *	Sprint	Refresh
Jay Miglionico	Boost/Sprint	New
Hannes Wittig	DT	New
Thorsten Langheim	DT	Refresh
Tim Hottges	DT	Refresh
Phillip Pohlmann	DT	Refresh
Masayoshi Son	Softbank	Refresh
Marcelo Claure *	Softbank	Refresh

We have designated with an asterisk (*) those custodians for whom Defendants have already offered a refresh. We note however that, in some cases, Defendants offered these persons for a more limited scope of refresh, while Plaintiffs believe that they should be generally refreshed.¹

¹ Specifically, Staneff and Rittgers were offered only for specific areas; Legere, Sievert, Combes and Davies were offered only in connection with finances; and Ray was offered only in connection with spectrum.

Custodians for Specific Areas

Plaintiffs are willing to narrow the specific areas for which we seek data and documents under the document requests, as Defendants have requested. We believe that this is a substantial concession on our part, made in the interest of compromise and keeping the process going efficiently.

We have selected the following specific areas:

CMA	Specific Area
CMA 1	New York-NJ-Nassau/Suffolk, New York/Newark, Jersey City and Paterson-Clifton-Passaic, New Jersey
CMA 2	Los Angeles- Long Beach/Anaheim-Santa Ana- Garden Grove/Riverside-San Bernadino-Ontario, California
CMA 5	Detroit-Ann Arbor
CMA 6	Boston-Lowell-Brockton-Lawrence-Haverhill, Massachusetts- New Hampshire
CMA 14	Baltimore, Maryland
CMA 15	Minneapolis St. Paul, Minnesota-Wisconsin
CMA 43	Norfolk-Virginia Beach-Portsmouth, Virginia
CMA 50	Honolulu, Hawaii
CMA 244	Kenosha, Wisconsin
CMA 342	Imperial County, California

We ask for the following custodians and updates concerning the specific areas, some of whom are new, others are refreshes:

Party	Custodian
Sprint	Boost Operations Directors of Prepaid Sales reporting to Jay Miglionico (e.g. Jonathan Horovitz or successor) who oversee the narrowed specific areas listed above
Sprint	Postpaid Regional Sales Presidents reporting to Tracy Nolan (e.g. Jim Mills or successor) who oversee the narrowed specific areas listed above
Sprint	Updated production from Steve Gaffney
Sprint	Updated production from Angela Rittgers
T-Mobile	OPS Retail and Direct Channels Senior Vice Presidents or Vice Presidents reporting to Jon Freier (e.g. Terry Hayes or successor) who oversee the narrowed specific areas listed above
T-Mobile	Matthew Staneff
T-Mobile	Julie Goldthwaith
Sprint	Jay Miglionico

Plaintiffs offer these concessions in order to streamline the discovery process. We are confident that this should be the basis for discussions going forward about custodians.

Sincerely,



Jeremy R. Kasha
Assistant Attorney General
Antitrust Bureau

On Behalf of All Plaintiff States

cc (by email): Counsel for Defendants T-Mobile, Sprint, Softbank, and Deutsche Telekom.